



**United States
Fish & Wildlife Service**

Memorandum

DO NOT REPLY TO THIS ADDRESS - SEE MESSAGE FOR CONTACT INFO!

Date

02/02/2005

From

AD - Budg, Planning & Hum Res

Subject

Compensatory Time Off for Time in a Travel Status

On January 27, 2005, the U.S. Office of Personnel Management published interim regulations implementing the subject provision of the Federal Workforce Flexibility Act of 2004. The Department has informed the Service that we can implement this provision on the effective date, January 28, 2005.

This section of the law authorizes a new form of compensatory time off for time spent by an employee in a travel status away from the employee's official duty station when the time is not otherwise compensable. This provision does not apply to members of the Senior Executive Service or Federal Wage System employees (commonly referred to as wage grade).

The following are the significant provisions of the interim regulations:

- You must be credited with compensatory time off for time in a travel status when you are required to travel away from your official duty station and your travel time is not hours for which you are compensated under other authorities.
- Time in a travel status includes the time you actually spend traveling between your official duty station and a temporary duty station or between two temporary duty stations, and the usual waiting time that precedes or interrupts the travel with a few exceptions.
- Time spent at a temporary duty station between arrival and departure is not time in a travel status
- Determinations regarding what is creditable as "usual waiting time" are within the sole and exclusive discretion of the employing agency. It is anticipated that the Department, and subsequently the Service, will issue guidance further defining this term. However, until that time, the following guidance should be followed: Airline travelers generally are required to arrive at the airport at a designated pre-departure time (e.g., 1 or 2 hours before the scheduled departure). Such waiting time at the airport is considered usual waiting time and is creditable time in a travel status. In addition, time spent at an intervening airport waiting for a connecting flight (e.g., 1 or 2 hours) also is creditable time in a travel status, subject to exclusions for bona fide meal periods. In all cases, determinations regarding what is creditable as "usual waiting time" are within the sole and exclusive discretion of management.
- Bona fide meal periods during actual travel time or waiting time are not creditable.
- If you experience an extended waiting time between actual periods of travel during which

you are free to rest, sleep, or otherwise use the time for your own purposes, the extended waiting time is not creditable.

- If you are required to travel directly between your home and a temporary duty station, the travel time is creditable as time in a travel status if otherwise qualifying. However, the Service must deduct from such travel hours the time you would have spent in normal home-to-work or work-to-home commuting.
- You must request authorization to earn compensatory time off for travel the same way you request overtime authorization – by use of the Service’s Overtime/Holiday Pay Authorization – Form 3-136. The form must be signed by the Service official authorized to approve overtime.
- You must request permission from your supervisor to schedule the use of your accrued compensatory time off in accordance with Service policies and procedures.
- Because you may not, under any circumstances, receive payment for any unused compensatory time off under this new law, the compensatory time earned and used must be kept separate from other forms of compensatory time. These are the new pay codes that you must use to record this time: 046 Travel Compensatory Time – Earned and 047 Travel Compensatory Time – used.
- Until Employee Express is able to redesign the Leave and Earnings statement (LES) format, the time will appear on your LES with your regular comp time balances. Please be aware, however, that this time is being kept apart from regular comp time balances in FPPS.
- You must use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was credited. If you do not use the time off within 26 pay periods after it was credited, you have to forfeit the time off. There are certain exceptions for breaks in service when you return to your former agency or you are on extended periods of leave without pay.

Additional implementing guidance will be provided as soon as it is available. The U.S. Office of Personnel Management provided additional information in a [memorandum](#) with attachments which may be of interest to you. The first attachment is a [questions and answers document](#) that provides answers to many questions regarding this new entitlement. The other attachment contains [examples of creditable travel time](#).

If you have any questions, please contact your servicing human resources office.